



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2430

Introduced 2/17/2005, by Rep. Robert W. Churchill

SYNOPSIS AS INTRODUCED:

10 ILCS 5/28-1

from Ch. 46, par. 28-1

Amends the Election Code. Provides that when the voters of a unit of local government or school district fail to approve the same public question twice within 36 months, the unit of local government or school district may not submit that question to the voters until at least the second next election of the same type at which the question most recently failed.

LRB094 07601 JAM 37773 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section
5 28-1 as follows:

6 (10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

7 Sec. 28-1. The initiation and submission of all public
8 questions to be voted upon by the electors of the State or of
9 any political subdivision or district or precinct or
10 combination of precincts shall be subject to the provisions of
11 this Article.

12 Questions of public policy which have any legal effect
13 shall be submitted to referendum only as authorized by a
14 statute which so provides or by the Constitution. Advisory
15 questions of public policy shall be submitted to referendum
16 pursuant to Section 28-5 or pursuant to a statute which so
17 provides.

18 The method of initiating the submission of a public
19 question shall be as provided by the statute authorizing such
20 public question, or as provided by the Constitution.

21 All public questions shall be initiated, submitted and
22 printed on the ballot in the form required by Section 16-7 of
23 this Act, except as may otherwise be specified in the statute
24 authorizing a public question.

25 Whenever a statute provides for the initiation of a public
26 question by a petition of electors, the provisions of such
27 statute shall govern with respect to the number of signatures
28 required, the qualifications of persons entitled to sign the
29 petition, the contents of the petition, the officer with whom
30 the petition must be filed, and the form of the question to be
31 submitted. If such statute does not specify any of the
32 foregoing petition requirements, the corresponding petition

1 requirements of Section 28-6 shall govern such petition.

2 Irrespective of the method of initiation, not more than 3
3 public questions other than (a) back door referenda, (b)
4 referenda to determine whether a disconnection may take place
5 where a city coterminous with a township is proposing to annex
6 territory from an adjacent township, (c) referenda held under
7 the provisions of the Property Tax Extension Limitation Law in
8 the Property Tax Code, or (d) referenda held under Section
9 2-3002 of the Counties Code may be submitted to referendum with
10 respect to a political subdivision at the same election.

11 If more than 3 propositions are timely initiated or
12 certified for submission at an election with respect to a
13 political subdivision, the first 3 validly initiated, by the
14 filing of a petition or by the adoption of a resolution or
15 ordinance of a political subdivision, as the case may be, shall
16 be printed on the ballot and submitted at that election.
17 However, except as expressly authorized by law not more than
18 one proposition to change the form of government of a
19 municipality pursuant to Article VII of the Constitution may be
20 submitted at an election. If more than one such proposition is
21 timely initiated or certified for submission at an election
22 with respect to a municipality, the first validly initiated
23 shall be the one printed on the ballot and submitted at that
24 election.

25 No public question shall be submitted to the voters of a
26 political subdivision at any regularly scheduled election at
27 which such voters are not scheduled to cast votes for any
28 candidates for nomination for, election to or retention in
29 public office, except that if, in any existing or proposed
30 political subdivision in which the submission of a public
31 question at a regularly scheduled election is desired, the
32 voters of only a portion of such existing or proposed political
33 subdivision are not scheduled to cast votes for nomination for,
34 election to or retention in public office at such election, but
35 the voters in one or more other portions of such existing or
36 proposed political subdivision are scheduled to cast votes for

1 nomination for, election to or retention in public office at
2 such election, the public question shall be voted upon by all
3 the qualified voters of the entire existing or proposed
4 political subdivision at the election.

5 If a unit of local government or school district has
6 submitted a public question authorized by the same provision of
7 law at 2 elections within 36 months and each of those public
8 questions has failed to win a majority of votes cast on that
9 question, then that unit of local government or school district
10 may not submit another question authorized by the same
11 provision of law for placement on the ballot at any election
12 until at least the second next election of the same type
13 (general, general primary, consolidated, or consolidated
14 primary) for which the most recent question was submitted.

15 Not more than 3 advisory public questions may be submitted
16 to the voters of the entire state at a general election. If
17 more than 3 such advisory propositions are initiated, the first
18 3 timely and validly initiated shall be the questions printed
19 on the ballot and submitted at that election; provided however,
20 that a question for a proposed amendment to Article IV of the
21 Constitution pursuant to Section 3, Article XIV of the
22 Constitution, or for a question submitted under the Property
23 Tax Cap Referendum Law, shall not be included in the foregoing
24 limitation.

25 (Source: P.A. 93-308, eff. 7-23-03.)